

STATE OF NEW YORK

5510

2021-2022 Regular Sessions

IN ASSEMBLY

February 19, 2021

Introduced by M. of A. RICHARDSON -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law and the social services law, in relation to coursework or training regarding the identification and reporting of suspected cases of child abuse and maltreatment

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph a of subdivision 3 of section 6507 of the educa-
2 tion law, as amended by chapter 672 of the laws of 2019, is amended to
3 read as follows:

4 a. Establish standards for preprofessional and professional education,
5 experience and licensing examinations as required to implement the arti-
6 cle for each profession. Notwithstanding any other provision of law, the
7 commissioner shall establish standards requiring that all persons apply-
8 ing, on or after January first, nineteen hundred ninety-one, initially,
9 or for the renewal of, a license, registration or limited permit to be a
10 physician, chiropractor, dentist, registered nurse, podiatrist, optome-
11 trist, psychiatrist, psychologist, licensed master social worker,
12 licensed clinical social worker, licensed creative arts therapist,
13 licensed marriage and family therapist, licensed mental health counse-
14 lor, licensed psychoanalyst, dental hygienist, licensed behavior
15 analyst, or certified behavior analyst assistant shall, in addition to
16 all the other licensure, certification or permit requirements, and every
17 three years thereafter, have completed two hours of coursework or train-
18 ing regarding the identification and reporting of child abuse and
19 maltreatment. The coursework or training shall be obtained from an
20 institution or provider which has been approved by the department to
21 provide such coursework or training. The coursework or training shall
22 include information regarding the physical and behavioral indicators of
23 child abuse and maltreatment and the statutory reporting requirements
24 set out in sections four hundred thirteen through four hundred twenty of

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 the social services law, including but not limited to, when and how a
2 report must be made, what other actions the reporter is mandated or
3 authorized to take, the legal protections afforded reporters, and the
4 consequences for failing to report. Such coursework or training may also
5 include information regarding the physical and behavioral indicators of
6 the abuse of individuals with [~~mental retardation and other~~] develop-
7 mental disabilities and voluntary reporting of abused or neglected
8 adults to the office for people with developmental disabilities or the
9 local adult protective services unit. Each applicant shall provide the
10 department with documentation showing that he or she has completed the
11 required training. The department shall provide an exemption from the
12 child abuse and maltreatment training requirements to any applicant who
13 requests such an exemption and who shows, to the department's satisfac-
14 tion, that there would be no need because of the nature of his or her
15 practice for him or her to complete such training;

16 § 2. Subdivision 4 of section 3003 of the education law, as amended by
17 chapter 737 of the laws of 1992, is amended to read as follows:

18 4. Notwithstanding any other provision of law, the commissioner shall
19 require that any person applying, on or after January first, nineteen
20 hundred ninety-one, for a superintendent's certificate shall, in addi-
21 tion to all the other requirements, and every three years thereafter,
22 have completed two hours of coursework or training regarding the iden-
23 tification and reporting of child abuse and maltreatment. The course-
24 work or training shall be obtained from an institution or provider which
25 has been approved by the department to provide such coursework or train-
26 ing. The coursework or training shall include information regarding the
27 physical and behavioral indicators of child abuse and maltreatment and
28 the statutory reporting requirements set out in sections four hundred
29 thirteen through four hundred twenty of the social services law, includ-
30 ing but not limited to, when and how a report must be made, what other
31 actions the reporter is mandated or authorized to take, the legal
32 protections afforded reporters, and the consequences for failing to
33 report. Each applicant shall provide the department with documentation
34 showing that he or she has completed the required training.

35 § 3. Subdivision 2 of section 3004 of the education law, as amended by
36 chapter 737 of the laws of 1992, is amended to read as follows:

37 2. Notwithstanding any other provision of law, the commissioner shall
38 prescribe regulations requiring that all persons applying, on or after
39 January first, nineteen hundred ninety-one, for a certificate or license
40 to be a teacher shall, in addition to all the other certification or
41 licensure requirements, and every three years thereafter, have completed
42 two hours of coursework or training regarding the identification and
43 reporting of child abuse and maltreatment. The coursework or training
44 shall be obtained from an institution or provider which has been
45 approved by the department to provide such coursework or training. The
46 coursework or training shall include information regarding the physical
47 and behavioral indicators of child abuse and maltreatment and the statu-
48 tory reporting requirements set out in sections four hundred thirteen
49 through four hundred twenty of the social services law, including but
50 not limited to, when and how a report must be made, what other actions
51 the reporter is mandated or authorized to take, the legal protections
52 afforded reporters, and the consequences for failing to report. Each
53 applicant shall provide the department with documentation showing that
54 he or she has completed the required training.

55 § 4. Section 413 of the social services law is amended by adding a new
56 subdivision 1-a to read as follows:

1 1-a. (a) Every person and official required to report child abuse or
2 maltreatment, pursuant to subdivision one of this section, shall, prior
3 to assumption of the position which requires such reporting, and every
4 three years thereafter, complete two hours of coursework or training
5 regarding the identification and reporting of child abuse and maltreat-
6 ment; provided that every person and official holding such a position on
7 or before the effective date of this paragraph shall complete such
8 coursework or training within one year of the effective date of this
9 subdivision.

10 (b) Except as otherwise provided by the education law, the office of
11 children and family services shall approve and/or establish the course-
12 work and training required to implement the provisions of this subdivi-
13 sion. Such coursework and training may be developed so that it can be
14 offered through various means including, but not limited to, internet
15 based courses and teleconferences.

16 § 5. This act shall take effect one year after it shall have become a
17 law.